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HOUSE BILL 809

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Joni Marie Gutierrez

AN ACT

RELATING TO TAXATION; DEFINING FOOD OR FOOD PRODUCTS SOLD BY A
BAKERY TO BE ELIGIBLE FOOD FOR THE PURPOSES OF RECEIVING A
DEDUCTION FROM GROSS RECEIPTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-9-92 NMSA 1978 (being Laws 2004,
Chapter 116, Section 5) is amended to read:

"7-9-92. DEDUCTION--GROSS RECEIPTS--SALE OF FOOD AT
RETAIL FOOD STORE.--

A. Receipts from the sale of food at a retail food
store that are not exempt from gross receipts taxation and are
not deductible pursuant to another provision of the Gross
Receipts and Compensating Tax Act may be deducted from gross
receipts. The deduction provided by this section shall be
separately stated by the taxpayer.

.174731.2

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. For the purposes of this section:

2 (1) "bakery" means an establishment where food
3 such as bread, cake, cookies, pastry or other flour-based
4 products are produced and sold to retail or wholesale
5 customers;

6 [~~(1)~~] (2) "food" means any food or food
7 product for home consumption that meets the definition of food
8 in 7 USCA 2012(g)(1) for purposes of the federal food stamp
9 program and food produced and sold by a bakery that is a small
10 business; [and

11 ~~(2)]~~ (3) "retail food store" means a bakery or
12 an establishment that sells food for home preparation and
13 consumption and that meets the definition of retail food store
14 in 7 USCA 2012(k)(1) for purposes of the federal food stamp
15 program, whether or not the establishment participates in the
16 food stamp program; and

17 (4) "small business" means a business, the
18 gross receipts of which are two hundred thousand dollars
19 (\$200,000)."

20 Section 2. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2009.

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